

From: Anne Laurie McClurkin
Sent: Tuesday, August 29, 2023 11:13 AM
To: 'Markfbass1410@gmail.com'
Cc: Alvin Hope
Subject: RE: Notice of TRO/Local 1410
Attachments: Certified Order issuing TRO (08.29.2023).pdf

Mr. Bass,

The attached certified TRO was entered this morning and enjoins 1410 and all of its members from participating in, permitting, or continuing any work stoppage. The order further instructs the Local union to immediately instruct all of its members to report to work as scheduled and to take any other action necessary to ensure the Court's instructions are fulfilled. We trust you will comply.

As the order instructs, this also will provide notice that this matter has been set for a preliminary injunction hearing on September 7 at 2:00 PM with Judge Phillips.

Sincerely,

Anne Laurie McClurkin

Shareholder | Labor & Employment

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11 North Water Street

RSA Battle House Tower, Suite 24290

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August 29, 2023

VIA EMAIL: Markfbass1410@gmail.com

Mr. Mark Bass
President, ILA Local 1410

Re: Temporary Restraining Order Enjoining Unlawful Work Stoppage

Mark:

As you know, shortly after commencing work on August 28, 2023, members of Local 1410 refused to work as directed and engaged in a work stoppage in violation of the "No Strike or Lockout" provision in Article 4 of the Local Contract. In addition to violating the terms of the Local Contract, the work stoppage delayed the arrival/departure of cargo and otherwise disrupted APM's operations. Again, on August 29, 2023, Local 1410 refused to work as directed and engaged in another work stoppage in violation of our local contract. This resulted in further contractual violations and costly delays to APM Terminals.

The recent work stoppages left APMT little choice but to pursue its legal and contractual remedies, including filing a Complaint for declaratory judgment and seeking a Temporary Restraining Order ("TRO"), which caused APM to incur additional legal expense, further exacerbating its financial losses due to the work stoppages. As you have been advised by APMT's counsel, earlier today - Mobile County Circuit Judge Ben Brooks entered the TRO, a copy of which has been provided to you.

The purpose of this letter is to ensure that (i) you are completely informed of the Court's directives and the requirements of the TRO; and (ii) of APM's expectation that you fully comply with the TRO and take any steps necessary to ensure the members of Local 1410 comply with the TRO. As the TRO instructs:

1. Local 1410 and its members are immediately enjoined from:

- Engaging in, ordering, authorizing, permitting, inducing or continuing a strike or concerted work stoppage of any kind at APM; and/or
- Interfering with or affecting the continuance of work on behalf of APM.

2. Local 1410 is required to:

- *Immediately* instruct all members employed or eligible for hire by APM to work as scheduled;



- *Immediately* take all action necessary to ensure the instructions of the TRO are carried out; and
- *Immediately* exercise its authority, power, and influence to ensure compliance with the TRO.

As further instructed in the TRO, if we are not able to reach a satisfactory resolution of the current issues, a preliminary injunction hearing will be held on September 7, 2023. Should a hearing be necessary, APM will ask the Court to continue the injunction and directives in the TRO through the date of trial. To the extent that is necessary, APM will seek to recover all damages due to these work stoppages from the union.

The TRO requirements are mandatory subject to penalties of being held in contempt of Court and assessed sanctions. For that and many other reasons, APM expects you to fully comply with the TRO and will pursue all available remedies against the union if the TRO is violated.

A handwritten signature in blue ink, appearing to read 'Wendy Robertson', written over a horizontal line.

Wendy Robertson
Director Labor Relations
APM Terminals of Mobile, Inc.